

Remarks

Applicants respectfully traverse the present restriction requirement. Applicants submit that the method of use claim 43, commensurate in scope with allowable product claims, is appropriately included with the product groupings. Applicants respectfully request that method of use claim 43 be rejoined when a product claim is found to be allowable. According to M.P.E.P. §821.04 and *In re Ochiai*, 71 F.3d 1565, 37 USPQ 1127 (Fed. Cir. 1995), rejoinder of product claims with process claims commensurate in scope with the allowed product claims is permitted following a finding that the product claims are allowable. Applicants have retained claim 43 for potential rejoinder, in the enclosed amended claims, in light of the traversal.

Further, Applicants believe that Groups IV and V are directed to the same group of compounds. Likewise, it appears that Groups XI and XII may be directed to the same group of compounds. Thus, Applicants believe that the original restriction is a 13 way restriction, rather than 15 groupings. Applicants respectfully reserve the right to claim any non-elected subject matter in one or more divisional or continuation applications. Applicants request that the Examiner telephone the undersigned attorney for any matters relating to furthering the prosecution of this application.

Respectfully submitted,

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